

NINTH DAY

(CONTINUED)

SUNDAY, MAY 14, 2006

PROCEEDINGS

AFTER RECESS

The Senate met at 7:36 p.m. and was called to order by the President.

SENATOR ANNOUNCED PRESENT

Senator Lindsay, who had previously been recorded as "Absent-excused," was announced "Present."

CO-AUTHOR OF SENATE CONCURRENT RESOLUTION 9

On motion of Senator Staples, Senator West will be shown as Co-author of **SCR 9**.

RESOLUTIONS SIGNED

The President announced the signing of the following enrolled resolutions in the presence of the Senate: **SCR 7**, **SCR 8**.

COMMITTEE SUBSTITUTE HOUSE BILL 153 ON SECOND READING

On motion of Senator Zaffirini and by unanimous consent, Senate Rule 7.12(a), Senate Rule 7.24(a), and the regular order of business were suspended to take up for consideration **CSHB 153** at this time on its second reading:

CSHB 153, Relating to authorizing the issuance of revenue bonds or other obligations to fund capital projects at public institutions of higher education.

The bill was read second time.

Senator Zaffirini offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 153** (Senate committee printing) as follows:

(1) In added Subdivision (1), Subsection (a), Section 55.1759, Education Code, relating to projects at the Texas Tech University Health Sciences Center, add the following appropriately lettered paragraph and reletter the paragraphs of that subdivision accordingly:

() \$18 million for the Amarillo research facility;

(2) In added Subdivision (2), Subsection (a), Section 55.1759, Education Code, relating to projects at Texas Tech University, strike the paragraph providing \$20 million for the expansion and renovation of College of Engineering facilities.

The amendment to **CSHB 153** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1 except as follows:

Present-not voting: Williams.

Absent-excused: Carona.

On motion of Senator Zaffirini and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSHB 153 as amended was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading except as follows:

Nays: Williams.

Absent-excused: Carona.

COMMITTEE SUBSTITUTE HOUSE BILL 153 ON THIRD READING

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 153** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Carona.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0, Present-not voting 1.

Present-not voting: Williams.

Absent-excused: Carona.

COMMITTEE SUBSTITUTE HOUSE BILL 149 ON SECOND READING

On motion of Senator Averitt and by unanimous consent, Senate Rule 7.12(a), Senate Rule 7.24(a), and the regular order of business were suspended to take up for consideration **CSHB 149** at this time on its second reading:

CSHB 149, Relating to the ownership and use of carbon dioxide captured by a clean coal project.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading except as follows:

Absent-excused: Carona.

**COMMITTEE SUBSTITUTE
HOUSE BILL 149 ON THIRD READING**

Senator Averitt moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 149** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Carona.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

REMARKS ORDERED PRINTED

On motion of Senator Estes and by unanimous consent, the exchange between Senators Averitt and Estes regarding **CSHB 149** was ordered reduced to writing and printed in the *Senate Journal* as follows:

Senator Estes: Senator Averitt, **CSHB 149** addresses the Railroad Commission getting title to carbon dioxide from the FutureGen Project. Is that correct?

Senator Averitt: Yes. **CSHB 149** only allows the Railroad Commission to get title to the carbon dioxide that is produced from the FutureGen Project.

Senator Estes: Would **CSHB 149** allow the Railroad Commission to take title to carbon dioxide from any other coal-fired generation process or industrial process?

Senator Averitt: No. That is not my intent in **CSHB 149**.

Senator Estes: Thank you, Senator Averitt.

SENATE CONCURRENT RESOLUTION 9

On motion of Senator Staples and by unanimous consent, Senate Rule 8.02 was suspended to take up for consideration **SCR 9** at this time.

The President laid before the Senate the following resolution:

WHEREAS, The Tax Reform Act of 1986 eliminated the deductibility of state and local sales taxes paid by federal income tax return filers while it retained the deductibility of state and local income taxes; and

WHEREAS, Eliminating the deduction for payment of state and local sales taxes created a fundamental disparity adversely affecting citizens of Texas and other states that do not levy a personal income tax and caused the citizens of those states to pay a higher percentage of federal taxes than the majority of American taxpayers; and

WHEREAS, The American Jobs Creation Act of 2004 authorized the sales tax deduction as an option for taxpayers who itemize deductions, letting them choose between deductions for state and local income or sales taxes; and

WHEREAS, The Comptroller of Public Accounts of the State of Texas has estimated that the ability to deduct state and local sales taxes saves Texans more than \$700 million annually and creates more than 16,000 Texas jobs that would not be created if the tax burden were higher; and

WHEREAS, The sales tax deduction authorized by the American Jobs Creation Act of 2004 was given effect only for the tax years 2004 and 2005, while the deduction for state income taxes is not subject to a similar sunset provision; and

WHEREAS, Expiration of the sales tax deduction will again foster the inequitable treatment of individual taxpayers and will work unfairly against states whose tax structure has no general individual income tax and relies heavily on sales taxes; and

WHEREAS, As a matter of equity and fairness, Texans and the citizens of other states that finance their budgets without an income tax deserve to benefit from federal income tax deductions comparable to those enjoyed by the majority of American taxpayers; now, therefore, be it

RESOLVED, That the 79th Legislature of the State of Texas, 3rd Called Session, hereby respectfully request that the Congress of the United States permanently extend the federal income tax deductibility of state and local sales taxes that was provided for the tax years 2004 and 2005 under the American Jobs Creation Act of 2004; and, be it further

RESOLVED, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, and to all the members of the Texas delegation to the congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

STAPLES

The resolution was read.

On motion of Senator Lucio and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Staples, **SCR 9** was considered immediately and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of the resolution except as follows:

Absent-excused: Carona.

SENATE RESOLUTION 126

On motion of Senator Staples and by unanimous consent, Senate Rule 8.02 was suspended to take up for consideration **SR 126** at this time.

The President laid before the Senate the following resolution:

WHEREAS, The Texas State Railroad, a steam-powered train operated by the Texas Parks and Wildlife Department, provides a unique opportunity for citizens and visitors alike to ride a steam train through the beautiful forest land between Palestine and Rusk and gain firsthand appreciation for the vital role that steam-powered railroads played in Texas history; and

WHEREAS, Transportation was a major problem facing early Texas settlers: Texas rivers were not deep enough for year-round transportation; the scarce roads were virtually impassible during wet weather; and oxcarts could only travel a few miles per day; it was steam-powered railroads that enabled Texas to grow and prosper; and

WHEREAS, Facilitating the transport of iron ore to an East Texas smelter and foundry for conversion to cast iron, the Texas State Railroad helped to make it possible for the present State Capitol to benefit from iron beams in the building's columns and dome when it was completed in 1888; and

WHEREAS, The Texas State Railroad is a symbol of Texas' innovative spirit; like the San Jacinto Monument and the Battleship TEXAS, it is a historic icon; and

WHEREAS, The Texas State Railroad's economic impact is as significant as its historical one; the tourism generated by the railroad's numerous visitors, many of whom have out-of-state and international origins, contributes greatly to the prosperity of our state, earning the railroad a reputation as one of the largest and most valuable steam train operations in the country; and

WHEREAS, In this year in which we honor the Texas State Railroad for 125 years of service to Texas and 30 years as a state park, it would be very unfortunate not to continue this major tourist attraction beyond 2006; and

WHEREAS, The importance of successfully providing for the continuation of the Texas State Railroad and other state parks requires the Texas Parks and Wildlife Department to look for every efficiency in the areas of management, organization, operations, and personnel; and

WHEREAS, Local and state advisory committees have been organized to offer the skills, contacts, and resources of many East Texas and Texas residents who are eager to assist with public education, special events, park promotion, and community advocacy; now, therefore, be it

RESOLVED, That the Senate of the 79th Texas Legislature, 3rd Called Session, hereby direct the Texas Parks and Wildlife Department to assist the local and state advisory committees in every way possible to provide for the timely development of a plan that will allow successful continuation of the Texas State Railroad as a moving museum through efficiency and proper utilization of public and private resources; and, be it further

RESOLVED, That the secretary of the senate forward official copies of this resolution to the members of the Texas Parks and Wildlife Commission.

STAPLES

SR 126 was read and was adopted without objection.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 237 by Hinojosa and Whitmire, In memory of Billy B. Goldberg of Houston.

SR 238 by Hinojosa, In memory of Eulalia "Lala" De Leon of Corpus Christi.

HCR 25 (Fraser), In memory of legendary Texas songwriter Cindy Walker of Mexia.

HCR 29 (Eltife), In memory of Glenn Canfield, Jr., of Longview.

HCR 45 (Eltime), In memory of Sam L. Huggins of Paris.

HCR 46 (Eltime), In memory of Phillip Zachary "Foots" Rutherford of Roxton.

Congratulatory Resolutions

SCR 10 by Duncan, Congratulating Brett and O'Neal Underwood on the birth of their son, Arch Teaff Underwood.

SR 236 by Estes, Commending Euline Brock for her contributions to the City of Denton.

SR 239 by Barrientos, Recognizing Bruce Foster Hupp on the occasion of his retirement from the Texas Senate.

Official Designation Resolution

SR 235 by Duncan, Declaring the Clear Channel Communications Buffalo Barbeque Battle 2006 a Texas State Barbeque Championship competition.

RECESS

On motion of Senator Whitmire, the Senate at 8:22 p.m. recessed until 11:00 a.m. tomorrow.

APPENDIX

COMMITTEE REPORTS

The following committee reports were received by the Secretary of the Senate in the order listed:

May 14, 2006

FINANCE — **CSHB 153, CSHB 149**